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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

ELOY ORTIZ OAKLEY, et al.,

Plaintiffs,

v.

BETSY DEVOS, et al.,

Defendants.

Case No. 4:20-cv-3215-YGR

**DEFENDANTS' RESPONSE TO JUNE 9, 2020  
MINUTE ORDER**

Defendants submit this response to the Court's oral directive during the hearing that took place on June 9, 2020 and its minute order of that date [ECF 37]. Based on a search of the Federal Register, undersigned counsel identified the following Interim Final Rules issued by the Small Business Administration and the Department of the Treasury, as well as rules by other federal agencies,<sup>1</sup> implementing provisions of the CARES Act. The Federal Register documents are attached.

- Office of the Comptroller of the Currency; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation, Interim Final Rule, *Regulatory Capital Rule: Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans*, 85 Fed. Reg. 20,387 (April 13, 2020) (Exhibit A)

<sup>1</sup> Defendants have included here Rules from additional federal agencies in order to respond as comprehensively as possible to the Court's original inquiry.

- 1 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
2 *Changes; Paycheck Protection Program*, 85 Fed. Reg. 20,811 (April 15, 2020) (Exhibit B)
- 3 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
4 *Changes; Paycheck Protection Program—Additional Eligibility Criteria and*  
5 *Requirements for Certain Pledges of Loans*, 85 Fed. Reg. 21,747 (April 20, 2020) (Exhibit  
6 C)
- 7 • Board of Governors of the Federal Reserve System, *Loans to Executive Officers, Directors,*  
8 *and Principal Shareholders of Member Banks*, Interim Final Rule, 85 Fed. Reg. 22,345  
9 (April 22, 2020) (Exhibit D)
- 10 • Office of the Comptroller of the Currency; Board of Governors of the Federal Reserve  
11 System; Federal Deposit Insurance Corporation, Interim Final Rule, *Regulatory Capital*  
12 *Rule: Temporary Changes to the Community Bank Leverage Ratio Framework*, 85 Fed.  
13 Reg. 22,924 (April 23, 2020) (Exhibit E)
- 14 • Office of the Comptroller of the Currency; Board of Governors of the Federal Reserve  
15 System; Federal Deposit Insurance Corporation, Interim Final Rule, *Regulatory Capital*  
16 *Rule: Transition for the Community Bank Leverage Ratio Framework*, 85 Fed. Reg. 22,930  
17 (April 23, 2020) (Exhibit F)
- 18 • National Credit Union Administration, Interim Final Rule, *Regulatory Capital Rule:*  
19 *Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans*,  
20 85 Fed. Reg. 23,212 (April 27, 2020) (Exhibit G)
- 21 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
22 *Changes; Paycheck Protection Program—Requirements—Promissory Notes,*  
23 *Authorizations, Affiliation, and Eligibility*, 85 Fed. Reg. 23,450 (April 28, 2020) (Exhibit  
24 H)
- 25 • National Credit Union Administration, Interim Final Rule, *Central Liquidity Facility*, 85  
26 Fed. Reg. 23,731 (April 29, 2020) (Exhibit I)
- 27 • Department of the Treasury, Interim Final Rule, *Small Business Administration Business*  
28 *Loan Program Temporary Changes; Paycheck Protection Program-Additional Criterion*  
*for Seasonal Employers*, 85 Fed. Reg. 23,917 (April 30, 2020) (Exhibit J)
- Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
*Changes; Paycheck Protection Program-Requirements-Disbursements*, 85 Fed. Reg.  
26,321 (May 4, 2020) (Exhibit K)
- Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
*Changes; Paycheck Protection Program-Requirements-Corporate Groups and Non-Bank*

1 *and Non-Insured Depository Institution Lenders*, 85 Fed. Reg. 26,324 (May 4, 2020)  
 2 (Exhibit L)

- 3 • Office of the Comptroller of the Currency; Board of Governors of the Federal Reserve  
 4 System; Federal Deposit Insurance Corporation, Interim Final Rule, *Liquidity Coverage  
 5 Ratio Rule: Treatment of Certain Emergency Facilities*, 85 Fed. Reg. 26,835 (May 6, 2020)  
 6 (Exhibit M)
- 7 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 8 Changes; Paycheck Protection Program-Nondiscrimination and Additional Eligibility  
 9 Criteria*, 85 Fed. Reg. 27,287 (May 8, 2020) (Exhibit N)
- 10 • Centers for Medicaid & Medicare Services, Interim Final Rule, *Medicare and Medicaid  
 11 Programs, Basic Health Program, and Exchanges; Additional Policy and Regulatory  
 12 Revisions in Response to the COVID-19 Public Health Emergency and Delay of Certain  
 13 Reporting Requirements for the Skilled Nursing Facility Quality Reporting Program*, 85  
 14 Fed. Reg. 27,550 (May 8, 2020) (Exhibit O)
- 15 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 16 Changes; Paycheck Protection Program-Loan Increases*, 85 Fed. Reg. 29,842 (May 19,  
 17 2020) (Exhibit P)
- 18 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 19 Changes; Paycheck Protection Program-Requirements-Extension of Limited Safe Harbor  
 20 With Respect to Certification Concerning Need for PPP Loan Request*, 85 Fed. Reg. 29,845  
 21 (May 19, 2020) (Exhibit Q)
- 22 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 23 Changes; Paycheck Protection Program-Eligibility of Certain Electric Cooperatives*, 85  
 24 Fed. Reg. 29,847 (May 19, 2020) (Exhibit R)
- 25 • Department of Agriculture, Final Rule, *Coronavirus Food Assistance Program*, 85 Fed.  
 26 Reg. 30,825 (May 21, 2020) (Exhibit S)
- 27 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 28 Changes; Paycheck Protection Program—Treatment of Entities With Foreign Affiliates*,  
 85 Fed. Reg. 30,835 (May 21, 2020) (Exhibit T)
- Rural Business-Cooperative Service and Rural Utilities Service, Interim Final Rule,  
*Guaranteed Loanmaking and Servicing Regulations*, 85 Fed. Reg. 31,035 (May 22, 2020)  
 (Exhibit U)
- Small Business Administration, Interim Final Rule, *Business Loan Program Temporary  
 Changes; Paycheck Protection Program-Second Extension of Limited Safe Harbor With*

1 *Respect to Certification Concerning Need for PPP Loan and Lender Reporting*, 85 Fed.  
2 Reg. 31,357 (May 26, 2020) (Exhibit V)

- 3 • Small Business Administration; Department of the Treasury, Interim Final Rule, *Business*  
4 *Loan Program Temporary Changes; Paycheck Protection Program—Requirements—*  
5 *Loan Forgiveness*, 85 Fed. Reg. 33,004 (June 1, 2020) (Exhibit W)
- 6 • Small Business Administration, Interim Final Rule, *Business Loan Program Temporary*  
7 *Changes; Paycheck Protection Program—SBA Loan Review Procedures and Related*  
8 *Borrower and Lender Responsibilities*, 85 Fed. Reg. 33,010 (June 1, 2020) (Exhibit X)

9 DATED: June 10, 2020

Respectfully submitted,

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